

REMARKS

Claims 1-13 and 17-27 are active in the case. Reconsideration of the restriction requirement is respectfully requested.

Restriction has been required in the present application between separately identified groups of inventions as follows:

Group I: Claims 1-13, 17-19, 21 and 22; and

Group II: Claims 20 and 23-27.

In reply to the requirement, applicants hereby elect Claims 1-13, 17-19, 21 and 22 of Group I for examination with traverse.

As to the election of species requirement, applicants hereby elect the species of polypeptide identified as SP-C (LKS) sub 1 (SEQ ID NO: 2) for examination with traverse.

Applicants traverse the election of a separate invention requirement on the basis of Rule 13 of PCT applications. This rule requires that unity of invention be maintained in a single general inventive concept. The rule shall be upheld when there is a technical relationship among the inventions involving one or more of the same or corresponding special technical features. In the present case, Claims 20 and 23-27 are directed to a method of treating surfactant deficiencies involving the administration of the SP-C analogues of Claim 1. Since there is a clear related technical feature, the restriction as formulated is improper and should be withdrawn.

Applicants also traverse the requirement on the basis that it is not true that a special technical feature linking the claims does not provide a contribution over the art because the paper of Palmblad et al is not prior art to the present invention, having been published in electronic format on April 15, 1999, which is after the claimed priority date of February 12,

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1999, of the present application. It is noted that co-authors Johansson, Robertson and Curstedt are also co-inventors of the present application. Accordingly, the restriction requirement is believed improper and should be withdrawn.

Applicants have elected the polypeptide of SEQ ID NO: 2 as the single species, with the expectation that upon a failure to uncover prior art which anticipates or renders the elected species obvious, that the search for relevant prior art will be expanded to other polypeptide species of the present invention.

It is now believed that the application is in proper condition for consideration on its merits.

Respectfully submitted,

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